

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICK GEORGE BERRY,

Defendant.

CASE NO. CR08-5278 BHS

ORDER

This matter comes before the Court on Nick Berry's Renewed Motion for Early Termination of Supervised Release. Dkt. 77. More than one year ago, Mr. Berry moved for early termination of supervised release. Dkt. 64. On September 20, 2021, the Court denied that motion without prejudice. Dkt. 74 at 2. In so doing, the Court explained that "[i]t appears that Mr. Berry has adjusted well under supervision" and that "Mr. Berry may renew his motion in one year, assuming he continues to perform well under supervision, and the Court would likely grant such a motion." *Id.*

On October 11, 2022, Mr. Berry filed his renewed motion for early termination of supervised release, asserting that he has complied with all the conditions of supervision. Dkt. 77 at 4. The United States Probation Office agrees that Mr. Berry has remained in

1 full compliance with the conditions of supervision and recommends that the Court grant
2 Mr. Berry's motion. The Government requests that the Court deny the motion because of
3 Mr. Berry's criminal history, the nature of the offense committed, and the fact that Mr.
4 Berry committed the offense while armed with a firearm. Dkt. 78 at 1, 3.

5 This Court has routinely encouraged those on supervised release to perform well.
6 It has explained that there can be rewards for compliance as well as negative
7 consequences that follow violations of conditions of supervised release. In this case a
8 reward in the granting of Mr. Berry's motion is warranted. Mr. Berry's supervised release
9 is terminated.

10 Therefore, it is hereby **ORDERED** that Mr. Berry's Renewed Motion for Early
11 Termination of Supervised Release, Dkt. 77, is **GRANTED**.

12 Dated this 20th day of October, 2022.

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15 BENJAMIN H. SETTLE
16 United States District Judge
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